

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2001-470-C - ORDER NO. 2001-1077  
NOVEMBER 26, 2001

IN RE: Application of Viva Telecom, L.L.C. for a ) ORDER DENYING  
Certificate of Public Convenience and ) REQUEST FOR  
Necessity to Operate as a Reseller of ) PROPRIETARY  
Interexchange Telecommunications Services ) TREATMENT  
within the State of South Carolina. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Request of Viva Telecom, L.L.C. (Viva or the Company) for this Commission to treat Exhibit D of its Application as confidential. Exhibit D contains the financial statements of the Company. Viva maintains that this information is proprietary and commercially sensitive, and its disclosure would put Viva at a competitive disadvantage. Viva requests that Exhibit D be given proprietary treatment and not be disclosed to anyone other than the Commissioners or Commission Staff involved in the processing of Viva's Application for authority. Viva's financial statements were furnished with the Company's Application in a sealed envelope.

We have reviewed the Company's request for its financial statements to be treated as confidential and proprietary and we find that Viva's Motion for Confidential Treatment of its Financial Statements should be denied. Public records are defined as official items of information within the files of the Commission which are available for inspection by the public. 26 S.C. Code Ann. Regs. 103-804(Y)(1)(Supp. 2000). Public records include financial, statistical, and other reports to the Commission in addition to

any other filings and submittals to the Commission in compliance with the requirement of any statute, Commission order, rule or regulation. 26 S.C. Code Ann. Regs. 103-804(Y)(1)(b)(Supp. 2000). 26 S.C. Code Ann. Regs. 103-834(3)(Supp. 2000) states, in part, that in a general rate establishment case, a balance sheet and a profit and loss statement representing a historic twelve-month test period shall be included in applications submitted to the Commission. Further, “any person has a right to inspect or copy any public record of a public body...” S.C. Code Ann. Section 30-4-30 (1976). Additionally, we hold the review of the information contained in the Company’s financial statements is important for the examination of Viva’s financial resources to provide telecommunications services to the public in South Carolina. Moreover, after reviewing the above-mentioned legal authority, we find Viva’s request for its financial statements to receive proprietary treatment should be denied.

IT IS THEREFORE ORDERED THAT:

1. Viva’s request that its financial statements remain confidential and unavailable to the public is denied.

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2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)